# SUPREME COURT MINUTES MONDAY, FEBRUARY 11, 2002 SAN FRANCISCO, CALIFORNIA

S101122	In re John Robert Silvis on Habeas Corpus Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.
S103743 2nd Dist. B155497	In re Betty R. and John R., Persons Coming Under the Juvenile Court Law
Div. 8	Los Angeles Dept. of Children & Family Svcs., Petitioner v.  Los Angeles County Superior Court, Respondent Belinda J. et al., Real Parties in Interest Pursuant to written request of petitioner the above-entitled petition for review is ordered withdrawn.
S104191	In the Matter of Bolden B. Kittrell

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

Application for stay and petition for review DENIED.

A093377/S103059	Edward O.C. Ord v. Firemans Fund Insurance Company – March 21, 2002.
A097136/S103072	Kolonaki et al. v. San Francisco County Superior Court; Bank of America N.A., RPI – March 21, 2002.
B121917/S102972	Lionel Simon v. San Paolo U.S. Holding Company, Inc. – March 15, 2002.
B146869/S102794	Golden Eagle Insurance Corporation v. Rocky Cola Café Inc. et al. – March 8, 2002.

B154599/S102970	Sherry J. Williams v. Los Angeles County Superior Court; Avner Manzoor Mandel, RPI – March 15, 2002.
B154676/S102969	Vicki E. Pollock v. Los Angeles County Superior Court; University of Southern California, RPI – March 15, 2002.
C031367/S102466	Arden Carmichael Inc. et al. v. County of Sacramento – March 8, 2002.
E028132/S103096	Hacienda Pools Incorporated v. Anthony and Sylvan Pools Incorporated et al. – March 31, 2002.
F034897/S102961	People v. Dontee Tyree Hester – March 15, 2002.
F035120/S102982	People v. Michael Anthony Hanks – March 15, 2002.

# S045423 People, Respondent

v.

Edgardo Sanchez Fuentes, Appellant

Good cause appearing, and based upon Deputy State Public Defender Michael P. Goldstein's representation that he anticipates filing the request for correction of the record by July 10, 2002, counsel's request for an extension of time in which to request correction of the record in the superior court is granted to April 9, 2002. After that date, only two further extensions totaling 90 additional days are contemplated.

Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

#### S047868 People, Respondent

V.

Johnaton Sampson George, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 12, 2002.

# S052210 People, Respondent

v.

Jerry Rodriguez, Jr., Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including April 17, 2002, to request correction of the record on appeal. Counsel for appellant is ordered to serve a copy of the record correction motion on the Supreme Court upon its filing in the trial court.

#### S092356 In re Maurice Boyette

on

Habeas Corpus

Good cause appearing, and based upon Deputy Attorney General Christina V. Kuo's representation that she anticipates filing the informal response by May 31, 2002, counsel's request for an extension of time in which to file that brief is granted to March 8, 2002. After that date, only three further extensions totaling 84 additional days are contemplated.

#### S098817 Covenant Care, Inc. et al., Petitioners

v.

Los Angeles County Superior Court, Respondent Lourdes M. Inclan, et al., Real Parties in Interest

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to and including February 25, 2002.

# S099339 Darlene Bonanno, an Incompetent Person, etc., Respondent

v.

Central Contra Costa Transit Authority, Appellant And Companion Case

On application of amicus curiae San Mateo County Transit District et al. and good cause appearing, it is ordered that the time to serve and file its application and amicus curiae brief in support of appellant herein is extended to and including March 8, 2002.

No further extensions of time are contemplated.

# S099619 Ruth Sherman et al., Respondents

v.

Allstate Insurance Company, Respondent

Michael Reese, et al., Appellants

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' opening brief on the merits is extended to and including March 4, 2002.

#### S100490 In re Nicholas H., a Person Coming Under the Juvenile Court Law

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Alameda County Social Services Agency, Petitioner and Respondent

Kimberly H., Objector and Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including February 15, 2002.

#### S102357 In re Sue Marcella Hamby

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the Attorney General's informal response is due 20 days from filing date of this order.

#### S102760 In re Robert Morris Fenenbock

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the Attorney General's opposition to the writ of habeas corpus petition is 20 days from the date of this order.

#### S030644 People, Respondent

v

Ricardo Roldan, Appellant

Appellant's application for permission to file an oversized brief is granted.

# S102729 In re Vincent Marquez

on

Habeas Corpus

Upon request of petitioner for appointment of counsel, Arthur G. Dudley is hereby appointed to represent petitioner on his appeal now pending in this court.

Petitioner's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

# S072196 In the Matter of the Suspension of Attorneys

Pursuant to Rule 962, California Rules of Court

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **Michael G. Nutter** pursuant to our order filed on January 8, 2002, is hereby terminated

This order is final forthwith.

# S102444 In re **James Austin Birt** on Discipline

It is ordered that James Austin Birt, State Bar No. 156283, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year and until he makes specified restitution. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 28, 2001. If he is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year of the effective date of this order or during the period of his actual suspension, whichever is longer. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions

Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

# S102446 In re **Clifford A. Imbro** on Discipline

It is hereby ordered that **Clifford A. Imbro**, **State Bar No. 87454**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*See Business and Professions Code section 6126, subdivision (c).

# S102455 In re **William Martin Wittke** on Discipline

It is ordered that **William Martin Wittke**, **State Bar No. 68053**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 19, 2001. Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

# S102459 In re **Glenn Edward Taylor** on Discipline

It is ordered that **Glenn Edward Taylor**, **State Bar No. 114388**, be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 23, 2001, as modified by its order filed October 2, 2001. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti* v. *State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S104007 In the Matter of the Resignation of **Levi John Smith** 

A Member of the State Bar of California

The voluntary resignation of Levi John Smith, State Bar No.

**41102**, as a member of the State Bar of California is accepted.

S104011 In the Matter of the Resignation of **Daniel M. Hurt**,

A Member of the State Bar of California

The voluntary resignation of **Daniel M. Hurt**, **State Bar No. 165948**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

S104029 In the Matter of the Resignation of **Levi John Smith** 

A Member of the State Bar of California

The voluntary resignation of **Levi John Smith**, **State Bar No. 41102**, as a member of the State Bar of California is accepted.